

10/584,797

REMARKS

Claims 11 and 15-17 are rejected, under 35 U.S.C. § 102(e), as being anticipated by Pelouch '534. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

The Applicant thanks the Examiner for indicating that claims 12-14 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claim(s). In accordance with this indication, claim 11 is appropriately revised, to incorporate the inventive subject matter of dependent claim 12 which was declared by the Examiner to be allowable, and that amended independent claim is now believed to be allowable. As claims 15-17 all depend directly from independent claim 11, those dependent claims are believed to be allowable as well. In addition, claims 13 and 14 are also appropriately revised to be independent claims and those amended independent claims are now believed to be allowable as well.

In particular, Pelouch '534 relates to a dual power path. The transmission includes a torque converter 18 having an input connected, via a power shaft 86, with the engine 12 and having an output connected with clutches 20 and 22, via output shaft 88. The clutches 20 and 22 are connected with shafts 90 and 92, respectively. The transmission includes a pair of countershafts 74 and 76 which rotatably support gears 26, 30, 40, 44 and gears 34, 38, 50, 54. Via mechanical clutches 78, 80 and 82, 84, these gears are engaged with countershafts 74 and 76. In case of engagement of the torque converter 18 and one of the clutches 20 or 22, the power from engine flows through a power shaft 86 and a converter output shaft 88 to the shaft 90 or 92.

As is apparent from the above description, the shafts 86 and 88 are not directly connected with one another, i.e., the torque converter 18 couples the power shaft 86 to output shaft 88. This is contrary to the presently claimed invention in which the drive shaft is directly connected to the engine, i.e., there is not any torque converter located between the engine and shifting brake clutch 9 of the presently claimed invention. As a result of this, the engine is continuously supplying an input drive to the shifting brake clutch 9.

SP008-1029 A M

10/584,797

As the Examiner appreciates and acknowledges, Pelouch '534 does not in any way teach, suggest, disclose or hint at the intermediate wheel 15 of the presently claimed invention which is located between the coaxial gear wheel 14 and the fixed wheel 17. As noted above, this feature is incorporated into Independent claim 11 and is believed sufficient to provide a patentable distinction between the cited references and the presently pending claims.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claim 11 now recites the features of "...a drive shaft (2) being directly connected with an engine. . . .the coaxial gear wheel (14) meshes with an intermediate wheel (15) which engages with a fixed wheel (17) supported by the auxiliary shaft (16)." Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Pelouch '534 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

07/008 - 1031 A M

- 6 -

10/584,797

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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